



Norton Conservation Commission
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NORTON TOWN CLERK
2018 FEB -5 A 10: 29

Monday, January 8, 2018
6:30 pm
2nd Floor Conference Room
Norton Town Hall

MINUTES

recorded by Regen Milani, Conservation Secretary

6:30 pm Open meeting

The meeting was called to order at 6:33 pm.

Attendance: Scott Ollerhead, Julian Kadish, Dan Pearson, Gene Blood, Ron O'Reilly Agent Jennifer Carlino, Secretary Regen Milani

Absent: Lisa Carrozza

WETLAND HEARINGS

Wetland hearings will be taken in order.

A. Request for Determination of Applicability (DET 1061). Paul Binegar, 148 Pine Street (Map 24, Parcel 80). Proposal to remove 18 trees and permit existing canoe access within 100 feet of a wetland.

Document list

- 1. WPA Form 1 -RDA application for Paul Binegar for 148 Pine Street. Dated 12/6/17.*
- 2. Plans entitled 'Sanitary Disposal Repair for Paul Binegar et ux at 148 Pine Street in Norton, MA', signed and stamped by John F. Vance, Jr. Dated 6/1/08 revised by Paul Binegar applicant 12/6/17.*

Paul Binegar attended to present the work he would like to do. He began by commenting that he has a heavily wooded lot. A large pine tree near the house is dead, and four or five around also are dead/dying. With a tree company coming to the property to take care of these large issues, he would also like to do a few others that are close to the house to reduce the access of squirrels to roof. His property also has a small clearing that serves as an access to water, and he would like to launch a canoe from there.

Motion was made to close the public hearing for DET 1061, made by Kadish, seconded by O'Reilly. Motion passes.

Motion was made to issue a negative (#3) Determination of Applicability for DET file 1061 by Kadish, seconded by Pearson. Motion passes.

B. Request for Determination of Applicability (DET 1062). Jeff Boyden, 139 Pine Street (Map 24, Parcel 9--33). Proposal to remove 18 trees within 100 feet of a wetland.

Document list

1. *WPA Form 1 -RDA application for Jeff Boyden for 139 Pine Street. Dated 12/26/17.*
2. *Plans entitled 'Subsurface sewage disposal system plan', Dated 4/22/94 revised by applicant Jeff Boyden and re-titled "Tree removal plan' 12/15/17.*

Lisa and Jeff Boyden were here to present the project. They wish to remove some dead trees, and those close to the house.

Motion was made to close the public hearing for DET 1062, made by Pearson, seconded by Kadish. Motion passes.

Motion was made to issue a negative (#3) Determination of Applicability for DET file 1062 by Kadish, seconded by O'Reilly with the caveat that project carried out to plan. Motion passes.

C. Notice of Intent (#250-1008). New England Power Company. 315 Transmission Line ROW (map 30, Parcel 31). Proposed exploratory soil boring for planning purposes associated with future improvements, one boring will be completed within Bordering Vegetated Wetlands.

Document list

1. *WPA Form 3 -NOI application for New England Power Company for proposed for exploratory soil boring for planning purposes associated with future improvements, one boring will be completed within Bordering Vegetated Wetlands. Dated 12/15/17.*
2. *Email from J. Carlino to Travis (tyandow@bscgroup.com) and Erin Whoriskey with a list of 8 questions and comments to be addressed by applicant/representative before or at the hearing scheduled for 1/8/17. Dated 12/27/17.*

Gillian Davies of BSC Group was here to present the project. She is stepping in temporarily for a co-worker who is sick and so has only reviewed the paper file and not been to the site. The project objective is to determine the suitability of replacement of the structure if this is needed down the road. They will be using a previously disturbed area for access road. They would use swamp mats. Borings will be 4 to 6 inches in diameter. Borings will be backfilled in, most likely immediately. If left overnight, they would use erosion controls. This project is not in priority habitat, but priority habitat is nearby. They would use a small track vehicle. She will confirm and request an update to the map/graphic regarding priority habitat as the graphic does not match the written project description. Carlino also informed Davies that book and page information is needed for the Order of Conditions and the green cards have not come back yet so those will be required before the next meeting. The final outstanding item needed in order to issue a permit is the legal notice check, which was sent, delivery is pending.

Motion was made to continue the public hearing for NOI 250-1008, made by Kadish to 1/22/18, seconded by Pearson. Motion passes.

D. Notice of Intent (#250-1007). Eco-Site. 15 South Washington Street (Map 18, Parcel 31 & 150) (Cont. 12/18/17). Proposal to construct a cell tower facility with associated driveway crossing and appurtenances within 100 feet of a wetland.

Applicant requested a continuance. Motion was made to continue to 1/22/18 by Kadish, seconded by Pearson. Motion to Continue passes.

E. Discussion of fence requirement per Condition #32 of permit 250-998. Applicant Mark Bowker 41 E. Hodges Street Map 35, Parcel 102. Permit issued July 2017 to repair and replace a septic system.

Mark Bowker was here to discuss his request to remove the requirement of a fence from his permit conditions. He presented his argument as to why he feels that a fence is an undue burden to him and does not make sense for his project. He argued to the Commission that since the septic system is in the front yard that having a fence in the backyard along the wetland does not make sense to him. He feels that this item was added as a condition to his septic permit due to the previous owner's bad behavior. He appealed to the Commission to reconsider this item. Kadish said that he should not take the visual barrier as a personal issue that all permits are asked to put in a visual barrier, AKA a fence. This is because most people try to expand their lawn. The previous owners added the stone as a barrier, but this did not stop them from disturbing the wetland. Pearson asked if it would help to have the fence or stone wall at the point of the barrier? It was clarified that there is already a stone wall. Kadish informed Bowker that he is allowed to walk inside the wetland, as you can use wetlands for passive recreation. Kadish clarified that clearing it, and putting fill or junk in it however are not acceptable activities. Bowker agreed wholeheartedly, and again reiterated that the previous owner did disturb this area, he has not and does not intend to. Ollerhead said markers will be required. Carlino proposed the visual barrier be reduced to the violation area, and markers elsewhere. Kadish is amenable to him not building a fence. Ollerhead said Bowker will be required to remove the debris in the wetland that was placed there by the previous owner (i.e., he now owns this wetland violation), and Bowker agreed that this is acceptable and that he would prefer to remove the debris so will do this. Bowker was told that markers will be provided, but homeowner pays for the pressure treated wood in a cement base that is needed to post them.

A motion was made by Kadish, seconded by Pearson to issue an Amended Order of Conditions that fence is no longer required, remove debris, four posts with wetland markers, five plantings a mix of trees and shrubs that are required by June 1. Motion passes.

F. Notice of Intent (#250-1001). Margaret Robinson, American Tower. 122 W Hodges Street (Map 34, Parcel 2) (cont. from 9/25/17, 10/16/17, 11/27/17, 12/18/17). Proposal for the construction of a 150-foot monopole communications tower within 100 feet of a wetland and rare species habitat.

Applicant requested a continuance. Motion was made to continue to 1/22/18 by Kadish, seconded by Pearson. Motion to Continue passes.

G. Notice of Intent (#250-983). Muhammad Itani/Island Brook LLC, 0 East Main Street, (Assessor's Map 17, Parcels 57, 238, 239, 240, 241, 242, 243, 244 & 245) (cont. from the 10/24/16, 11/14/16, 11/28/16, 12/19/16, 1/9/17, 1/23/17, 2/13/17, 3/13/17, 3/27/17, 4/10/17, 4/24/17, 5/15/17, 6/26/17, 7/10/17, 7/24/17, 8/14/17, 8/28/17, 9/11/17, 9/25/17, 10/16/17, 11/27/17, 12/18/17)- for the construction of 56 single-family units with loop road, stormwater detention ponds and work within 200 feet of Rumford River.

Motion was made to close the public hearing for NOI 250-983 by Kadish, seconded by O'Reilly. Motion passes.

Deliberation on Island Brook took place after the public hearing closed and all public attendees departed. A list of questions was distributed by Carlino to the Commission for her to receive their guidance. There were 13 items that were deliberated, and based on this discussion amongst members and the agent, conditions of the permit will be drafted and distributed for review. All agreed that they will approve this project, however there are several state level standards that it does not meet, and so these will be conditions to be met as part of the permit. Items discussed included, but were not limited to, the following: timing of revised plans to be submitted, outside consultant reviews, timing of recording of conservation restriction, dog park, timing of culvert replacement, infiltration of individual housing units, stormwater management, No Disturbance Zone restoration, operation and maintenance plan, and invasive plant removal.

SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

#250-1003 Ryan Crowell

Full

56 Oak Street

map 21, parcel 56

Repair and replacement of a septic system within 100 feet of wetlands.

Motion to issue a Partial Certificate of Compliance was made by Kadish, seconded by O'Reilly with a \$500 bond required to ensure completion of the project. Motion passes.

#250-906 Campanelli Thorndike Norton, LLC

Full

274 East Main Street

map 11, parcel 61 & 76

(Norton apartments) Construction of a 230-unit apartment complex, road, stormwater management system and grading within 100 feet of wetlands.

Blood recused. David Eastridge, Partner at Thorndike Development, was at the meeting to present the project. He reviewed what this file number covered and was outstanding. He is also asking for release of the associated bond. The letter was sent by Oren Sigal and Ollerhead addressed this to Sigal who was in the audience. Ollerhead went through the list of Sigal's questions and concerns, and the decision making of the Commission. Carlino said that the plan and permit do match as per the Wetlands Protection Act. Any other concerns would go to Zoning, or Water and Sewer. The location is the only

item that this Commission can manage, and that was approved. If it is not functioning, this will go to the Water and Sewer now. Eastridge requested COC and release of Bonds.

Motion to issue a full Certificate of Compliance and release the bond was made by Kadish, seconded by O'Reilly. Motion passes.

#250-920 Campanelli Thorndike Norton, LLC
Partial corrected
and Full

East Main Street & Newland
map n/a. parcel n/a

(Norton apartments) Plan to install water and sewer main extensions within 100 feet of a wetland and the Canoe River.

Blood recused. David Eastridge was here to represent the project. Most of this work pertained to water and sewer work. Eastridge requested COC and release of Bonds.

Motion to re-issue a corrected Partial Certificate of Compliance and Full Certificate of Compliance and release bond for 250-920 was made by Kadish, seconded by O'Reilly. Motion passes.

#250-972 Campanelli Thorndike Norton, LLC
Partial corrected
and Full

70 East Main Street
map 11, parcel 20 & ROW

(Norton apartments) Plan to construct a sidewalk, headwall, and replacement and drainage improvements within 100 feet of wetlands, bank, and in Canoe River ACEC.

Blood recused. This file was for a sidewalk. Stabilization has been done, and monitoring, and submission of As-Builts are all submitted. Eastridge requested COC and release of Bonds.

Motion to issue re-issue a corrected Partial Certificate of Compliances and also a full Certificate of Compliance and release bond for 250-972 was made by Kadish, seconded by O'Reilly. Motion passes.

REVIEW DRAFT MINUTES

8/28/17 – no quorum

9/21/17 special meeting– no quorum

10/16/17– Motion to accept Kadish, seconded by Blood. Motion passes.

11/27/17– Motion to accept Pearson, seconded by Blood. Ron abstained. Motion passes.

12/18/17 – not yet completed for review by Secretary

OLD BUSINESS

NEW BUSINESS

Reservoir Update

Chartley Pond update

Report from Staff

Waterbodies Committee update

Grants -Sign LAND grant project agreement

Motion to sign the land grant exactly as written was made by Pearson, seconded by Blood. Motion passes.

Spring town meeting articles will be as follows: 1. Revolving Fund for forestry projects, 2. If Camp Edith Read is purchased there will be the need for a revolving fund for ongoing maintenance, 3. Possibly one stormwater one, however more likely this will come from Highway Dept., 4. Amend the grant request to make up purchase price on Camp Edith Read as the broker is requesting \$25K + to complete the sale, and 5. Last year's prior bill for Chartley sink hole repair.

Mass Wildlife revising dog policy- comments are due February 20th and Jen will give comments as they are requiring poop picked up and all on leash now by policy change and this will conflict with a couple projects in town.

OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)

Motion to adjourn by Kadish, seconded by O'Reilly. Motion passes and meeting closes at 7:54 pm.

Respectfully submitted by: 
Regen Milani, Conservation Secretary

Minutes approved by the Commission on 1/22/18 (Date)

Conservation Commission Signature:


Scott Ollerhead, Conservation Commission Chairman